

BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

January 6, 2004

IN RE:

**APPLICATION OF BAK COMMUNICATIONS, LLC
FOR CERTIFICATE TO PROVIDE COMPETING
LOCAL TELECOMMUNICATIONS SERVICES**

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**DOCKET NO.
03-00351**

ORDER DISMISSING APPLICATION

This matter came before Director Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 15, 2003 for consideration of the Application for Certificate to Provide Competing Local Telecommunications Services filed by BAK Communications, LLC ("BAK" or the "Company") on May 19, 2003.

On June 9, 2003, the Authority sent a letter to the Company requesting additional information necessary to complete review of its Application. The Company failed to respond. A notice advising the Company of its failure to respond was mailed on November 12, 2003 via certified mail. The November 12, 2003 notice advised the Company that if a response to the June 9, 2003 data request was not received by November 24, 2003, the matter would be placed before the Authority at the regularly scheduled Authority Conference for action relative to its Application.

As of the December 15, 2003 Authority Conference, the Company had failed to respond to the June 9, 2003 data request or the November 12, 2003 notice. No one appeared on behalf of

BAK at the December 15, 2003 Authority Conference. Accordingly, the panel voted unanimously to dismiss the Application for Certificate to Provide Competing Local Telecommunications Services filed by BAK Communications, LLC.

IT IS THEREFORE ORDERED THAT:

The Application for Certificate to Provide Competing Local Telecommunications Services filed by BAK Communications, LLC Inc. is dismissed without prejudice, and this docket is closed.

A handwritten signature in black ink, appearing to read "Pat Miller", written over a horizontal line.

Pat Miller, Director

A handwritten signature in black ink, appearing to read "Sara Kyle", written over a horizontal line.

Sara Kyle, Director

A handwritten signature in black ink, appearing to read "Ron Jones", written over a horizontal line.

Ron Jones, Director